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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,184	12/31/2003	Timothy Grant Hall		5574

7590 02/05/2007

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EXAMINER	
SCHMIDT, KARI L	
ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/748,184	HALL ET AL.	
	Examiner	Art Unit	
	Kari L. Schmidt	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 December 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because looking at the Figures, the examiner is not sure what the Figures are trying to show. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract is more than one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 5 is objected to because of the following informalities: Claim 5 should be referring back to claim 4 not claim 5. The Examiner will examine this claim as if dependent on claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 are rejected under 35 U.S.C. 101 because "determining part of said secure authenticating system from said digital copy of said information" is an abstract idea rather than a practical application of the idea. This does not result in a physical transformation nor does it appear to provide a useful, concrete and tangible result. Specifically, it does not produce a tangible result because merely "determining part of said secure authenticating system from said digital copy of said information" is nothing more than a thought or a computation within a processor. It fails to use or make available for use the result of the determination to enable its functionality and usefulness to be realized.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Brewington (US 2004/0117627).

Claim 1

Brewington discloses a secure method of authenticating an identification card comprising providing an identification card ([0030] and Figure 4: "identification card") having certain unique information recorded thereon, scanning said information to produce a digital copy of said information, and determining part of said secure authenticating system from said digital copy of said information ([0041]).

Claim 2

Brewington discloses the method of claim 1 wherein said part of said secure authenticating system comprises first pixel values at selected locations on said digital copy of said information ([0050]: "captured image is digitized to provide an array RGB pixel values in a digitized image file").

Claim 3

Brewington discloses the method of claim 2 including determining said selected locations according to a characteristic value function algorithm ([0051]: "The electronic original document is in digital form as an array RGB pixel values in a digitized image file. The electronic version of the original document is provided to an image processing apparatus for selection of an image segment according to a predefined image signature template. The selected image is converted to a primary image signature which is encrypted according to a known encryption scheme such as characteristic value function algorithm which selects the pixels from an array and then encoded").

Claim 4

Brewington discloses the method of claim 3 including recording said first pixel values on said identification card in human-readable and/or machine-readable form ([0050] and [0069]: "encoded in machine-readable and/or human - readable form").

Claim 5

Brewington discloses the method of claim 5 including storing said digital copy of said information at a first remote location (Figure 7: External database).

Claim 6

Brewington discloses the method of claim 5 including providing a digital processor at a secure second remote location (Figure 6: Component B contains a processor with an encoder all controlled by the controller").

Claim 7

Brewington discloses the method of claim 6 including storing said characteristic value function algorithm at said secure second remote location (Figure 6: Component B and [0058]: "encoding and/or encryption schemes are stored in Component B").

Claim 8

Brewington discloses the method of claim 7 including sending said pixel values and said digital copy of said information to said digital processor at said secure second remote location (Figure 6 and [0058]).

Claim 9

Brewington discloses the method of claim 8 further including applying said characteristic value function algorithm to said digital copy of said information at said secure second remote location to determine second pixel values (Figure 3: "secondary image signature is created") at said selected locations ([0051]: "The electronic original document is in digital form as an array RGB pixel values in a digitized image file. The electronic version of the original document is provided to an image processing apparatus for selection of an image segment according to a predefined image signature template. The selected image is converted to a primary image signature which is encrypted according to a known encryption scheme like characteristic value function algorithm" and [0063]: "the secure second location is the Control System").

Claim 10

Brewington discloses the method of claim 9 further comprising comparing said second pixel values determined from said digital copy of said information at said secure second remote location with said first pixel values recorded on said identification card (Figure 3 and [0063]: "primary image signature (first pixel values) and secondary image signature (second pixel values) are compared which is all done in the control system").

Claim 11

Brewington discloses the method of claim 10 further including comparing said digital copy of said information with said information on said identification card ([0053]).

Claim 12

Brewington discloses an authenticating system for an identification card comprising an identification card having certain unique information thereon, means for scanning said unique information to produce a digital copy of said information, means for determining first pixel values at selected locations on said digital copy of said information according to a characteristic value function algorithm (Figure 6 and [0058-0059]: "Component B"), and means for recording said first pixel values on said identification card in human-readable and/or machine-readable form (Figure 3 and [0050 & 0069]: "human-readable and/or machine-readable").

Claim 13

Brewington discloses an authenticating system as in claim 12 further comprising means for recording said digital copy of said information at a first remote location (Figure 7: External database).

Claim 14

Brewington discloses an authenticating system as in claim 13 further including a digital processor and said characteristic value function algorithm located at a secure second remote location (Figure 6: "Component B").

Claim15

Brewington discloses an authenticating system as in claim 14 further comprising means for sending said pixel values and said digital copy of said information to said secure second remote location (Figure 6: Component B).

Claim 16

Brewington discloses an authenticating system as in claim 15 further including means at said secure second remote location for causing said processor to apply said characteristic value function algorithm to said digital copy of said information to determine second pixel values at said selected locations using said digital processor ([0061]).

Claim 17

Brewington discloses an authenticating system as in claim 16 further including means at said secure second remote location for comparing said second pixel values from said digital copy of said information with said first pixel values previously recorded on said

identification card (Figure 3 and [0063]: "primary image signature (first pixel values) and secondary image signature (second pixel values) are compared which is all done in the control system").

Claim 18

Brewington discloses an authenticating system as in claim 17 further including means for transmitting the result of said comparison for viewing at another location ([0064]: "external database").

Claim 19

Brewington discloses an identification card including certain unique information thereon, said card also having thereon part of a secure authenticating system for said card (Figure 4: "digital photo, signature, barcode/magnetic strip").

Claim 20

Brewington discloses an identification card as in claim 19 wherein said part of a secure authenticating system for said card comprises pixel values from selected locations on said unique information, said pixel values produced by scanning said unique information to produce a digital copy of said unique information (Figure 1 and Figure 4: "Figure 1 shows scanning in a hardcopy identification card, which Figure 4 shows in detail; and produce a digital copy that is converted into a primary image signature which is then encrypted using a known encrypted scheme").

Claim 21

Brewington discloses an identification card as in claim 20 wherein said locations are selected according to a characteristic value function algorithm ([0050 & 0058]: "an array of RGB pixel values are captured from the image and then encoded using an encryption scheme").

Claim 22

Brewington discloses an identification card as in claim 21 wherein said pixel values are recorded on said card in human-readable and/or machine-readable form ([0050 & 0058]: " encoded into machine-readable form").

Claim 23

Brewington discloses an identification card as in claim 22 wherein said characteristic value function algorithm is recorded in a remote secure location ([0051]: "The electronic original document is in digital form as an array RGB pixel values in a digitized image file. The electronic version of the original document is provided to an image processing apparatus for selection of an image segment according to a predefined image signature template. The selected image is converted to a primary image signature which is encrypted according to a known encryption scheme such as characteristic value function algorithm" and [0058]).

Claim 24

Brewington discloses an identification card as in claim 23 wherein said digital copy of said information is stored in a remote secure location ([0049]: "remote storage").

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brundage et al. (US 2004/0181671 A1) teaches a system and method for authenticating identification documents and preventing tampering. SLOCUM et al. (US 2001/0026631 A1) teaches a system and method that employ facial recognition to create, maintain and use databases that store data records of individuals to control the production of identification cards that include an image of a person's face and demographic data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kari L. Schmidt whose telephone number is 571-270-1385. The examiner can normally be reached on Monday-Friday: 7:30am - 5:00pm (with alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KS

WALTER D. GRIFFIN
SUPERVISORY PATENT EXAMINER